



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

117 South Main Street, Dayton, Ohio 45422-1280

937-225-4435 — Fax: 937-225-3486

www.rapca.org

January 29, 2007

CERTIFIED MAIL

Mr. Jeff Lepi
Lepi Enterprises, Inc.
630 GW Morse Street
Zanesville, Ohio 43701

Re: Asbestos abatement activities at the Antioch College, Dormitory buildings located at 795 Livermore Street, Yellow Springs, Ohio.

NOTICE OF VIOLATION

Dear Mr. Lepi:

You are hereby notified that the Regional Air Pollution Control Agency (RAPCA) finds Lepi Enterprises, Inc., (Lepi), to be in violation of federal, state, and local asbestos regulations as they relate to asbestos emission control procedures and waste disposal requirements for asbestos removal operations at the above-referenced facility. A similar notice is being sent to Gandee & Associates, Inc. (Gandee).

On April 29, 2005, RAPCA received a notification from Lepi for the abatement of 910 linear feet and 50 square feet of regulated asbestos-containing material (ACM) in the form of thermal system insulation and acoustical tiles from Antioch College's four dormitory buildings located at 795 Livermore Street, Yellow Springs, Ohio. The asbestos removal work was scheduled to take place from May 10 through May 20, 2005. A subsequent revision extended the completion date to May 31, 2005. Antioch College, buildings owner, hired Gandee to perform final visual and air clearance and to provide oversight of this asbestos abatement project.

On May 13, 2005, a RAPCA representative performed an inspection at the above-mentioned site due to a referral from Ohio Department of Health. Asbestos abatement activities had begun in three of the four dormitory buildings at the time of the RAPCA inspection. These buildings are: Hill, Craig, & Hosmer Dorm ("Dorm #1"), Fess & Black Dorm ("Dorm #2"), and Derby & Bell Dorm ("Dorm #3"). During this inspection, the RAPCA representative observed dry, friable, damaged suspect ACM thermal system insulation, in the form of pipe joint insulation, on the floor and opened wall cavities in various locations on both the first and second floors of all three dormitory buildings previously mentioned. The RAPCA representative observed in all three dormitory buildings: no evidence of engineering controls used (i.e. glovebags/containment/poly barriers) or critical seals/barriers in-place and no evidence of water useage (i.e. no water puddles/droplets, no discoloration of asbestos/plaster/construction debris, no water hoses/canisters). Photographs, video, and samples were collected.--

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The RAPCA representative contacted representatives of Lepi and Gandee, via phone, on May 16, 2005 to review the areas of concern, identified during the May 13, 2005 RAPCA inspection, and faxed a copy of the Findings of Inspection form to Lepi. Lepi and Gandee was previously notified of the concerns by Ohio Department of Health and had returned to the facility to begin cleanup activities. On May 27, 2005, a RAPCA representative performed a post abatement inspection at the above mentioned site to verify proper cleanup and removal of remaining ACM.

The inspection was conducted for the purpose of determining compliance with the corresponding Greene County, Ohio, Board of Health's Local Air Pollution Control Regulation (BHLAPCR) Asbestos Emissions Chapter 3745-20, the Ohio Administrative Code (OAC) Asbestos Emission Control Standards and Procedures specified in Chapter 3745-20, and the National Emission Standards for Hazardous Air Pollutants (NESHAP) specified in 40 CFR Part 61, Subpart M.

The conditions found during these inspections constitute corresponding violations of BHLAPCR s 3745-20-04 (A)(6)(a) and (C), OAC rules 3745-20-04 (A)(6)(a) and (C), and 40 CFR Section 61.145 (c)(6)(i) pertaining to proper emission control; and BHLAPCR s 3745-20-05 (A), (B)(1), and (C), OAC rules 3745-20-05 (A), (B)(1), and (C), and 40 CFR Section 61.150 (a)(1) and (b) pertaining to waste disposal.

These violations can be resolved through the signing of the Findings and Orders which include a civil monetary penalty. Draft Findings and Orders are included with this Notice of Violation. Please respond in writing within ten (10) days of receipt of the document if you wish to pursue a local settlement. Violations of this nature may carry substantial civil penalties at the state and/or federal level, however RAPCA has the authority to exhibit latitude in a mutually agreeable resolution if this matter can be settled at the local level. If this matter cannot be resolved locally, RAPCA will have to refer this issue to the Ohio EPA and/or the U.S. EPA for resolution at the state or federal level.

If you have any questions or comments, or wish to discuss this matter further, please feel free to contact Mr. Bruno Maier or me at (937) 225-4435.

Sincerely,



Sarah Gostomsky
Asbestos Coordinator
Monitoring & Analysis Unit

/mjb

cc: Tom Kalman, Central District OEPA
Mike Miller, Antioch College

U.S. Postal Service
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Mr. Jeff Lepi
 Lepi Enterprises, Inc.
 630 GW Morse Street
 Zanesville, Ohio 43701

for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X <i>My Radcliff</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>My Radcliff</i></p> <p>C. Date of Delivery <i>2-1-7</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Mr. Jeff Lepi Lepi Enterprises, Inc. 630 GW Morse Street Zanesville, Ohio 43701</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service)</p> <p>7002 0510 0000 7312 4497</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>